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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,783	06/16/2000	Robert Adams	042390.P2248C4	3212

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2421

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/595,783	Applicant(s) ADAMS ET AL.	
	Examiner HUNTER B. LONSBERRY	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 47-98 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 47-98 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 9-12, 14, 17 and 47-98 are rejected under 35 U.S.C. 102(e) as being anticipated by US 4,862,268 to Campbell.

Regarding claim 1, Campbell discloses a method from providing a video image comprising:

Receiving a video data stream and associated data stream by a computer system (column 3, lines 9-28, column 5, lines 18-25, 54-column 6, line 30) and

Displaying the video image on a display device of the computer system and performing an interactive command function specified by the associated data stream (column 17, lines 10-47, a user presses a text button and supplemental content appears).

Regarding claims 2,11, Campbell discloses that the video data is transmitted on scan intervals and the data in the VBI (column 5, lines 54-column 6, line 30).

Regarding claim 3, Campbell discloses transmitting digital packets (column 19, lines 5-22).

Regarding claim 4-6, Campbell discloses that the interactive data contains information on where to display the video display window, graphical object, along with pixel data in order to perform a command (column 17, lines 20-55, column 18, line 36-67).

Regarding claim 9, see claim 1.

Regarding claim 10, Campbell discloses audio (column 15, lines 14-16).

Claims 12, 14, 17 are addressed previously.

Regarding claims 19-20, 49-50, Campbell discloses filtering data packets by source and destination (column 15, lines 16-44).

Regarding claim 47, Campbell discloses a data modem comprising:

A data selector which retrieves data from the VBI and video data in video scan intervals (column 3, lines 9-28, column 5, lines 18-25, 54-column 6, line 30)

A video queue to receive and assemble the video stream (figure 6, tuner 106)

A data queue to receive and assemble the data 117 and displaying the video image on a display device of the computer system and performing an interactive command function specified by the associated data stream (column 17, lines 10-47, a user presses a text button and supplemental content appears).

Regarding claim 48, Campbell discloses audio level control 120.

Claims 51-98 substantially correspond to the above claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7,8,13, 15-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,862,268 to Campbell.

Regarding claims 7-8, 15-16 Campbell discloses transmitting interactive data via the VBI.

Campbell fails to teach displaying a selection window which corresponds to the video image and performing an interactive command if the user selects the window.

The examiner takes official notice that utilizing a window to select data is notoriously well known in the art, Windows provide an easy way to navigate data.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Campbell to utilize a window to select an interactive command for the previously mentioned benefits.

Regarding claims 13, 18, Campbell fails to disclose specifying an colour palette.

The eXaminer takes official notice that providing an option to select a color pallet is well known in the art. For example modem clients which a user may select the text color to make it easier to read text.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify Campbell to include a color pallet for the previously mentioned advantages.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNTER B. LONSBERRY whose telephone number is (571)272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hunter B. Lonsberry/
Primary Examiner
Art Unit 2623

HBL